

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

JONATHAN ALLEN O'BRIAN.

Plaintiff : CIVIL ACTION NO. 3:20-1367
: (JUDGE MANNION)

SCI-CAMP HILL MEDICAL DEPT.

Defendant

ORDER

AND NOW, this day of **October 2020**, in accordance with the
Memorandum issued concurrently with this Order, it is **ORDERED** that:

1. Plaintiff's motion to proceed *in forma pauperis* is construed as a motion to proceed without full prepayment of fees and costs and the motion (Doc. 2) is **GRANTED**.
2. The Complaint (Doc. 1) is deemed filed.
3. Plaintiff must, and has agreed to, pay the full \$350.00 filing fee regardless of the outcome of the litigation. See Doc. 2.
4. Pursuant to 28 U.S.C. §1915(b)(1) and (2), the Superintendent/Warden, or other appropriate official at Plaintiff's place of confinement is directed to deduct an initial partial filing fee of 20% of the greater of:
 - (A) the average monthly deposits in the inmate's prison account for the past six (6) months, or

(B) the average monthly balance in the inmate's prison account for the past six (6) months.

The initial partial filing fee shall be forwarded to the Clerk of the United States District Court for the Middle District of Pennsylvania, P.O. Box 1148, Scranton, Pennsylvania, 18501-1148, to be credited to the above-captioned docket number. In each succeeding month, when the amount in the Plaintiff's inmate prison account exceeds \$10.00, the Superintendent/Warden, or other appropriate official, shall forward payments to the Clerk of Court equaling 20% of the preceding month's income credited to Plaintiff's prison account until the \$350.00 fee is paid. Each payment shall reference the above-captioned docket number.

5. The Clerk of Court is directed to send a copy of this Order to the Superintendent/Warden of the institution wherein Plaintiff is presently confined.
6. Plaintiff's complaint is **DISMISSED** with prejudice against Defendant, SCI-Camp Hill Medical Dept., pursuant to 28 U.S.C. §1915(e)(2)(B)(i).
7. The remainder of the Plaintiff's complaint is **DISMISSED without prejudice** pursuant to 28 U.S.C. §1915(e)(2)(B)(ii).
8. Within thirty (30) days from the date of this Order, Plaintiff may file an amended complaint that addresses the deficiencies identified in the Court's Memorandum.
9. The amended complaint shall bear the same case number presently assigned to this action, shall be labelled as the "Amended Complaint," and shall be direct, concise, and shall stand alone without any reference to any document filed in this matter. See Fed. R. Civ. P. 8(d).

10. The Clerk of Court shall forward to Plaintiff two (2) copies of this Court's prisoner civil-rights complaint form which Plaintiff shall use in preparing his amended complaint.
11. Failure to comply with this Order will be deemed abandonment of this action, and Plaintiff's action will be subject to dismissal without further warning.

s/ Malachy E. Mannion
MALACHY E. MANNION
United States District Judge

DATE: October 30, 2020

20-1367-01